

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

IN ADMIRALTY

In the Matter of The Complaint

Of

Branson Duck Vehicles, LLC, as Owner; and
Ripley Entertainment, Inc., as Owner *pro hac*
vice of the STRETCH DUCK 07 for
Exoneration from or Limitation of Liability

CIVIL ACTION NO: 6:18-cv-03339-MDH

QUARTERLY STATUS REPORT

Pursuant to this Court's Case Management Schedule and Order (ECF 135), Branson Duck Vehicles, LLC ("BDV"), Owner, and Ripley Entertainment, Inc. ("REI"), Owner *pro hac vice* (collectively "Limitation Plaintiffs"), hereby file this quarterly status report on behalf of all remaining parties in this action:

Discovery Status:

The Parties report the following with respect to discovery:

- Written discovery has been served, including on the parties and on certain third parties, and responses and productions continue.
- Depositions regarding jurisdiction (navigability) issues were taken on June 12, 13, 19, and 20, and have concluded. Briefs will be submitted in accordance with the Court's Case Management Schedule and Order (ECF 135).
- The Parties have agreed that no Party will notice depositions for July so that the Parties can continue to focus on resolution of the remaining claims through mediation and continued negotiation. The Parties have conferred regarding depositions in August which will proceed on a schedule to be agreed upon in the event that mediations and further negotiations have not concluded or it appears further discussions would not be productive.

Settlement Status:

The Parties report the following with respect to settlement issues. Listed below are all claims filed in this action against BDV and REI, identified by ECF filing number and claim title, grouped by their status. Settlements, negotiations, and mediations listed below are between the claimants and BDV/REI only.

The following claims have been settled; all settlement documentation has been completed:

- ECF n/a¹: Michelle Chaffer, Rebekah Whittington, and Christina Taylor v. Ripley Entertainment, Inc., et al., Taney County, Cause No. 1846-CC00143

The following claims have been settled; settlement documentation is being prepared:

- ECF 26: Answer of Tia Coleman to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 38: John D. Coleman, Gary Coleman, Jayden Coleman and Adriona Coleman's Answer and Claim to the Verified Complaint for Exoneration from, or Limitation of Liability of, Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. as Owner and Owner *Pro Hac Vice* of Stretch Duck 07
- ECF 39: John D. Coleman, Gary Coleman, Jayden Coleman and Adriona Coleman's Answer and Claim to the Verified Complaint for Exoneration from, or Limitation of Liability of, Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. as Owner and Owner *Pro Hac Vice* of Stretch Duck 07
- ECF 40: John D. Coleman, Gary Coleman, Jayden Coleman and Adriona Coleman's Answer and Claim to the Verified Complaint for Exoneration from, or Limitation of Liability of, Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. as Owner and Owner *Pro Hac Vice* of Stretch Duck 07
- ECF 41: John D. Coleman, Gary Coleman, Jayden Coleman and Adriona Coleman's Answer and Claim to the Verified Complaint for Exoneration from, or Limitation of Liability of, Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. as Owner and Owner *Pro Hac Vice* of Stretch Duck 07
- ECF 52: Claimants Judith Williams, Robert Damian Williams, Ina-Robin Williams and Ilena Williams' Answer and Affirmative Defenses to Limitation Plaintiffs'

¹ These claims, brought in connection with passengers Janice Bright and William Bright, resolved before claims were required to be filed in the Limitation Action and therefore no claim was filed in this action.

Complaint for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.

- ECF 54: Answer of Jennifer Asher, William Asher, Jr. and Monica Dowling to the Complaint of Branson Duck Vehicles, LLC, and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability and Claims of Jennifer Asher, William Asher, Jr. and Monica Dowling against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 60: Answer of Shayne Collins to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 61: Answer of Tiffany Collins, as Parent and Next Friend of T.K., a minor, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 62: Answer of Tiffany Collins to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 63: Answer of Talyssa Mann to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 64: Answer of Dustin McDonald and Tomlyn McDonald, as Parents and Next Friends of Ca.M., a minor, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 65: Answer of Dustin McDonald and Tomlyn McDonald, as Parents and Next Friends of Ch.M., a minor, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 66: Answer of Tomlyn McDonald and Dustin McDonald, h/w, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 67: Answer of Ronita McKinley and Gary McKinley, h/w, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.

- ECF 68: John D. Coleman as Administrator and Personal Representative of the Estates of Ervin Coleman and Horace Coleman, deceased, Answer and Claim to the Verified Complaint for Exoneration from, or Limitation of Liability of, Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. as Owner and Owner *Pro Hac Vice* of Stretch Duck 07
- ECF 69: Answer of Pamela Smith, Individually and as Parent and Next Friend of Lorene. Smith, and as Special Administrator of the Estates of Steve C. Smith and Lance C. Smith and Answer of Ellen Smith and Carroll Smith to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 70: Answer of Pamela Smith, Individually and as Parent and Next Friend of Lorene. Smith, and as Special Administrator of the Estates of Steve C. Smith and Lance C. Smith and Answer of Ellen Smith and Carroll Smith to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.

The following claims are currently being negotiated, through either continued mediation or negotiation:

- ECF 28: Answer of Brian Dennison to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 29: Answer of Douglas Dennison to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 30: Answer of Todd Dennison to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 31: Answer of Todd Dennison and Shaunna Cumberworth, as Parents and Next Friends of A.D., a minor, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 48: Answer to Complaint of Petitioners Branson Duck Vehicles LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability and Claims of Greg Harris

- ECF 58: Answer of BRIAN Dennison, Todd Dennison, and Douglas Dennison, as Co-Administrators and Personal Representatives of the Estate of Leslie Dennison, deceased, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.

The following claim is scheduled for mediation on July 15, 2019:

- ECF 49: Answer and Claims of Claimant Amanda Keller, as Next Friend of G.C., a minor

The following claims have not yet been scheduled for mediation:

- ECF 27: Answer of the National Bank of Indianapolis, as Temporary Guardian over the Estate of D.H., a minor, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 50 as amended by ECF 105: Answer to Complaint and Petition of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability - and Claims in Limitation (No. 18-3339) on Behalf of Joseph Strecker and William Strecker, the Natural, Surviving Sons of Rosemarie Hamann against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 55: Answer of Lisa D. Berry and Marlo Rose Wells, as Co-Administrators and Personal Representatives of the Estate of Angela Coleman, deceased, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 56: Answer of Lisa D. Berry and Marlo Rose Wells, as Co-Administrators and Personal Representatives of the Estate of Belinda Coleman, deceased, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 57: Answer of Lisa D. Berry and Marlo Rose Wells, as Co-Administrators and Personal Representatives of the Estate of Maxwell Ly, deceased, to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.

- ECF 59: Answer of Mamadou Ly to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.
- ECF 74: Answer of Marlo Wells, Lisa Rose Berry, Patricia Parson, Ronald Rose, Robert Rose, David Rose, and Lana Everhart to the Complaint of Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. for Exoneration from or Limitation of Liability, with Claims against Branson Duck Vehicles, LLC and Ripley Entertainment, Inc.

Dated: July 1, 2019

Respectfully submitted,

LASHLY & BAER, P.C.

/s/ Terrance J. Good

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed and served via the Court's electronic filing system this 1st day of July 2019.

/s/ Terrance J. Good

Terrance J. Good #25336MO